

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
Helena Division

UNITED STATES OF AMERICA,)	
)	No. CR-19-003-H-BMM
Plaintiff/Respondent,)	
vs.)	ORDER GRANTING A STAY
)	FOR FILING AND AMENDED
K. JEFFREY KNAPP,)	§ 2255 MOTION
)	
Defendant/Movant)	
_____)	

BEFORE THE COURT is Movant's motion, through appointed counsel, for a stay in the deadline for filing an amended motion to vacate, set aside or correct sentence previously filed pursuant to 28 U.S.C. § 2255. The Court previously appointed counsel and extended the to August 30, 2024, for filing an amended motion. Appointed counsel indicates that the pending en banc decision in *United States v. Duarte*, 108 F.4th 786 (9th Cir. 2024) is material to an anticipated claim that the prosecution and conviction under 18 U.S.C. § 2255 violates Movant's Second Amendment right to possess a firearm for self defense, as applied to him. The United States does not oppose an extension, Accordingly,

IT IS HEREBY ORDERED that the motion to stay the deadline to file an amended motion to vacate, set aside or correct sentencing pursuant to § 2255 is **granted**. The deadline for filing the amended motion is stayed. A new deadline with be established after the Ninth Circuit enters its en banc opinion in *Duarte*.

Counsel shall notify the Court when *Duarte* is decided. Counsel shall also provide the Court with a requested deadline for filing the amended § 2255 motion.

Dated this day of August, 2024.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United State District Court